

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

ORDER

v.

10-cr-141-wmc

GALE RACHUY,

On September 25, 2019, District Judge William Conley granted in part defendant Gale Rachuy's motion for return of property. (Dkt. 275.) In particular, the court directed the U.S. Probation Department to return to Rachuy (1) a set of handcuffs, (2) his Lenovo laptop, and (3) cellphones and documents "that have not been deemed contraband." Judge Conley further concluded, based on the evidence admitted during Rachuy's judicial review hearing and the U.S. Probation Office's recommendation, that the following items constituted contraband:

1. A notary stamp in the name of Gale Allen Rachuy.
2. A notary stamp in the name of Brent Peter Loberg.
3. Copies of a document Mr. Rachuy has claimed to be his brother's will.
4. A Minnesota Foodshare card for "Houston W. Schiernbeck.

(*Id.* at 2.)

It has come to my attention that there is some confusion about whether two documents not explicitly listed by the court's order must be returned to Rachuy. Rachuy wants the U.S. Probation Office to return a quit claim deed and an affidavit, both allegedly signed by Rachuy's brother and affixed with the notary stamp of Brent Peter Loberg. The U.S. Probation Office believes that because these documents include Loberg's stamp, they also constitute contraband

and should be withheld. Judge Conley's order was not explicit on this point, so I am setting this matter for briefing.

I will direct the government to show cause as to why either or both of these documents constitute contraband, and I will give Rachuy an opportunity to respond to the government's showing. Judge Conley has already received evidence related to the authenticity of the affidavit, quit claim deed, and other documents during the judicial review hearing. The parties should limit their arguments and evidence cited in support to the evidence admitted during that hearing.

ORDER

IT IS ORDERED that:

- 1) The government is DIRECTED to show cause by **December 30, 2019**, as to why the court should not order the U.S. Probation Department to return to defendant Gale Rachuy the following documents: (1) the "Affidavit of Timothy Rachuy" and (2) a "Quit Claim Deed."
- 2) Rachuy may file an opposition brief no later than **January 20, 2020**.

Entered December 9, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge